

ILLEGIB

Colby Wants Criminal Penalties For Leakers Of CIA Secrets

• This is the third in a series of four articles based on an exclusive interview with former CIA Director William E. Colby.

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WASHINGTON — CIA Director William Colby would welcome responsible congressional supervision of the intelligence agency's activities but leaks of secrets must be plugged if the security of the United States is to be protected and the danger of nuclear war averted.

The leaks by a small number of senators and congressmen and their staffs, which already have cost America the loss of important foreign intelligence contacts, are undermining the covert operations of what has proved to be the best intelligence service in the world.

These were the impressions gathered during an hour-long exclusive interview with the man whose 25 years of service in American intelligence work have earned him a reputation among his peers as "outstandingly capable."

Colby believes that Congress, which

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presently has no effective system for keeping secrets, must discipline its own members to stop leaks which harm America's national interests, endanger the lives of its patriotic intelligence agents and weaken American leadership of the free world.

He also feels strongly that severe criminal sanctions should be applied against congressional staff members who leak intelligence secrets given in confidence to members of Congress. Similar penalties should, in his opinion, be imposed on those CIA employees who leave the service and then betray their colleagues and country by disclosing names and other highly confidential information to which they had access while serving under oath with the agency.

The World War II hero, who parachuted behind enemy lines in both France and Norway to help block German troop movements, believes an over-

whelming majority of senators and congressmen wish to see America maintain a strong and effective intelligence service, including the clandestine operations which he directed before becoming chief of the CIA in May, 1973.

He is confident Congress as a whole will set up a procedure for practical supervision of the CIA and adopt a responsible attitude towards the plugging of intelligence leaks. He recalled that both the Senate and House voted by a 3 to 1 majority against banning the CIA's covert operations, and by a margin of 2 to 1 in favor of keeping the CIA budget secret.

Following is a condensed text of the third part of the exclusive interview with the CIA director:

Q — Sen. Frank Church has proposed an oversight committee of 9 senators and possibly some additional members of the House. If you have a dozen or more members of Congress getting the secrets of your intelligence operations, can you prevent leaks?

A — "If I could get it down to 9, I would be very happy. The problem now is that anything we do other than intelligence gathering must be briefed to six committees of the Congress. That means something like 30 to 50 senators and congressmen. Practically everything we have briefed this year has been leaked to the news media."

Q — What about the congressional staffs?

A — "Theoretically, the staffs are not supposed to be in on it but of course the members tell their staffs."

Q — Would it be practical to limit the members of Congress who are given secret information to the chairman of the Senate Intelligence and foreign relations committees, and the similar House committees?

A — "There are two aspects of the secrecy problem. One is secrecy as it applies to employees and former employees of the CIA. Our laws are very weak on that. We need some good laws with criminal sanctions for people who join the intelligence business, learn secrets while they are employed, and then go out and reveal them."

"Ninety nine per cent of the CIA employees want such laws because they are professionals and they believe professional discipline is necessary in this business. Those who don't abide by the discipline should be punished. Otherwise we cannot run our profession effectively."

"The other side of the problem is Congress. Congress never has really articulated any systematic way of keeping secrets. They never had to do so because in the past, the power structure in Congress was very strong. There were responsible chairmen and

minority members who ran the place with a very strong hand. They would not tolerate the leaking of intelligence secrets.

"Today you have the question of who controls Congress and the assumed right of any congressman to know everything and tell anything.

"There are no real rules and procedures for the enforcement of rules. Congress must develop some systematic way of keeping secrets.

"It isn't a question of how many members of Congress can know our secrets. It's a question of discipline and responsibility."

Q — Is there need for severe penalties for the leakage of information through Congress?

A — "Absolutely. No question about it. It is easy to accomplish. There can be a set of rules for members of the Senate

and the House and those members who violate the rules can be disciplined — or censured. Those staff members who are exposed to secrets should be required to assume the same legal obligations that CIA employees assume. If they violate the rules, they should be subject to the same criminal sanctions. No more, no less. You cannot apply criminal sanctions to senators and congressmen, but you can get the membership of both houses to assert its discipline on its own members.

"Congress must show a greater sense of responsibility than it did in the case of the assassination plot report. The President strongly recommended it not be released. So did I. Furthermore, I asked that names be omitted if it was released. The Senate committee took the report to the Senate. It was debated for four hours in a secret session. The Senate never

voted on whether it should be released or not.

"There is a Senate rule which states that if the Senate receives a matter under injunction from the President, it will not release the information without his approval. It was argued that the assassination plot material was submitted by the intelligence people, not by the President, and therefore the rule did not apply. The position was also taken that what a committee releases is not what the Senate releases, therefore, they did not vote. It was, of course, just absurd. Obviously we were operating under the President's directive when we provided Congress with the secret information. The fact that a Senate committee can leak secrets and the Senate itself can't makes no sense."

Q — Senator Church suggested the oversight committee should be advised in advance of any covert operations. Is that practical?

A — "I think that is really a false issue. The present law says the committees will be advised in timely fashion. When you conduct an operation that involves giving help to some friendly group in a foreign country, you are doing it over several months. It takes time to set it up. There must be some flexibility. You cannot go back to six committees for approval of every move you make in implementing the operation.

"As soon as the President signs one of these determinations, we inform the committees that day or the next morning that we have something to brief them about. It's up to them when we brief them. I have briefed some the same day we received instructions to proceed with an operation. I've briefed some a couple of months later, especially if they are in recess.

"When we brief within a reasonable period of time — a few days or a week, we are at the earliest possible stages of implementation of the program. There is plenty of time for Congress to act. One complaint is: 'What can we do?' there

are many things they can do. They can express disapproval. I have had that done to me, and I have reported it to the President. They can have a vote in the committee."

Q — If the committee voted against it, would you drop the project?

A — "We would certainly pay attention. It would be up to the President to withdraw the authorization."

Q — Would it not be possible for the Congress and the executive branch of the government to reach an understanding on what the broad policy should be in respect to covert operations, and then authorize the CIA to operate within the scope of that policy without having every move it made subject to separate approval?

A — "That is possible, providing it could be done secretly for a secret operation. We are in a strange situation. One of the programs about which we have been criticized was actually requested by another committee."

"When I briefed the committees on some of our proposed operations, no objections were raised. But when the operations were leaked, members of the committee opposed them. They did not voice any opposition when I briefed them."

Q — Shouldn't Congress as a whole decide whether individual congressmen have the right to reveal secret intelligence information given to the committees?

A — "I think Congress as a whole is going to assume its responsibility and set up a procedure to handle the problem. I believe that only a few individuals have been responsible for the leakage."

"We have had a lot of excitement, a lot of sensationalism, but I don't despair of the Congress or the country. Congress, I am sure, will face up to its responsibility with respect to our intelligence services and I know this is a very sensible and stable country."